

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:09-cr-00256
2:10-cr-00096

DEBORAH L. JOYCE,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant Deborah L. Joyce's letter-form motion for modification of her term of incarceration, construed by this Court as a motion brought pursuant to 18 U.S.C. § 3582. By Order entered April 15, 2013, this motion was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley filed his PF&R on April 24, 2013, recommending that this Court deny Defendant's motion.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that

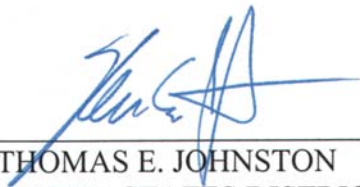
do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the April 24, 2013 PF&R in this case were due on May 13, 2013. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Case No. 2:09-cr-00256, ECF 65; Case No. 2:10-cr-00096, ECF 42] and **DENIES** Defendant's letter-form motion for a sentence modification [Case No. 2:09-cr-00256, ECF 62; Case No. 2:10-cr-00096, ECF 39].

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: May 28, 2013



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE